

REMARKS/ARGUMENTS

Claim 1 has been amended. Claims 1, 2, and 4-15 are pending.

The Examiner rejected claims 1, 2, and 4-15 under 35 U.S.C. § 102(e) as being anticipated by Despres et al. (U.S. Patent No. 6,434,379).

Regarding claims 1 and 5, Claim 1 has been amended to more clearly recite that the SIM of the telephone is separate from the smart card and to more clearly state that the handset is able to load value onto the smart card. Despres does not disclose a mobile telephone handset including a subscriber identification module, which is arranged to generate a request message to load a value onto the smart card and to load value onto a smart card, where the smart card is separate from the subscriber identification module.

The applicant agrees that in the discussion of the prior art of Despres, in col. 1 and 2 of Despres, Mobicarte does disclose a SIM card. However, nothing in Despres discloses or suggest having a mobile phone handset load value onto a separate smart card. Furthermore, the Mobicarte system does not store the credit or value on the smart card. For the Mobicarte system, the value is stored at a central location; the card only contains subscription data, col. 1, line 53 – col. 2, line 26. Despres does state in col. 1, lines 28-35, for virtual prepaid cards the credit amount is stored on a centralized server, whereas for non-virtual prepaid cards the credit is stored on the non-virtual prepaid card. Further, this passage states that the invention of Despres relates only to virtual prepaid cards. Therefore, the value of the card is stored on a central server, not on the card itself. As a result, the handset never loads value onto the card itself, but instead is stored on the central server. The Examiner cited claim 16 as teaching that the smart card is authorized to load the value, but the claims in the present invention are not directed to loading value from the smart card to the handset, but instead loading value from a handset onto a smart card.

In addition, claim 5 further recites that the smart card is able to be removed from the handset to interface with a point-of-sale terminal through a contact interface with the point of sale terminal. The Examiner failed to point out anything in Despres that discloses this. For at least these reasons, claims 1, as amended, and 5 are not anticipated by Despres.

Regarding claim 9, Despres does not disclose receiving at a mobile handset a request from a user to load a value onto the smart card inserted in the handset; generating a funds request message which includes the value; sending the fund request message over the

telecommunications network to a fund issuer computer arranged to debit an account associated with the user; sending a load request message over the telecommunications network to a funds issuer; sending the load request message over the telecommunications network to an authentication computer arranged to authenticate the smart card. As discussed above, Despres does not load value onto a smart card, but instead uses virtual prepaid cards. As a result, value is not loaded onto the card, but instead records are kept on a central server.

In addition, the Examiner failed to specifically point out anything in Despres that discloses generating a load request with a first cryptographic signature and receiving a response message with a second cryptographic signature and an approval to load, as recited in claim 9.

In addition, claim 9 further recites that the smart card is able to be removed from the handset to interface with a point-of-sale terminal through a contact interface with the point of sale terminal. The Examiner failed to point out anything in Despres that discloses this. For at least these reasons, claim 9 is not anticipated by Despres.

Regarding claim 12, Despres does not disclose a method of loading value over a telecommunications network onto a smart card, comprising receiving at a handset a request to load a value into a stored-value application of the smart card. As discussed above, Despres uses a virtual card and does not load value onto the card. For at least these reasons, claim 12 is not anticipated by Despres.

Claims 2, 4, 6-8, 10-11, and 13-15 are directly or indirectly dependent on the independent claims, and are therefore respectfully submitted to be patentable over the art of record for at least the reasons set forth above with respect to the independent claims. Additionally, these dependent claims require additional elements that when taken in the context of the claimed invention, further patentably distinguish the art of record. For example, claim 4 further recites that the authentication computer authenticates the smart card using the first cryptographic signature and generates a second cryptographic signature to authenticate a load response, whereby the transaction is secured. The Examiner failed to point out anything in Despres that discloses this. In addition, claims 8 and 15 further recite that in response to a successful load, the smart handset is arranged to generate a transaction certificate to be used for irrepudiation. The Examiner failed to point out anything in Despres that discloses this. For at least these reasons, claims 2, 4, 6-8, 10-11, and 13-15 are not made obvious by the cited references.

Applicants believe that all pending claims, as amended, are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at telephone number (650) 961-8300.

Respectfully submitted,

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